

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

STATE OF NEW YORK, *et al.*,

Plaintiffs,

v.

DONALD TRUMP, *et al.*,

Defendants.

No. 17-cv-5228 (NGG) (JO)

ANSWER TO AMENDED COMPLAINT

The United States of America, the United States Department of Homeland Security (DHS), United States Citizenship and Immigration Services (USCIS), United States Immigration and Customs Enforcement (ICE), Donald J. Trump (in his official capacity as the President of the United States), and Kirstjen M. Nielsen (in her official capacity as the Secretary of Homeland Security) (“Defendants”), respectfully answer the allegations in Plaintiffs’ Amended Complaint as follows:

INTRODUCTION

1. The introductory paragraph contains Plaintiffs’ characterization of the Amended Complaint, argument, and conclusions of law, rather than allegations of fact, and thus no response is required. To the extent a response is deemed required, denied.

JURISDICTION AND VENUE

2. Denied.

3. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations in this paragraph.

4. This paragraph contains Plaintiffs' characterization of a September 5, 2017 memorandum issued by then-Acting Secretary of Homeland Security Elaine C. Duke, *Memorandum on Rescission of Deferred Action for Childhood Arrivals (DACA)* ("Duke Memorandum") (attached to the Amended Complaint as Exhibit 74). That memorandum speaks for itself. Defendants also object to every characterization of DACA as a "program" throughout the Amended Complaint; DACA is a "policy," not a "program."

5. The first sentence of this paragraph contains Plaintiffs' characterization of the Duke Memorandum, which speaks for itself. The second sentence of this paragraph is admitted, except that Defendants deny (here and throughout the Amended Complaint wherever this allegation is repeated) that individuals "apply" for DACA; Form I-821D is a "request" for consideration of DACA.

6. Denied.

7. Denied.

8. This paragraph relates only to a claim that has been dismissed by the Court. Therefore, no response is required.

9. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations in this paragraph.

10. The first sentence of this paragraph contains a prayer for relief, to which no response is required. To the extent a response is required, Defendants deny that Plaintiffs are entitled to any relief. The second sentence of this paragraph relates only to a claim that has been dismissed by the Court. Therefore, no response is required. To the extent a response is required, Defendants deny that Plaintiffs are entitled to any relief.

11. This paragraph contains Plaintiffs' legal conclusions regarding subject-matter jurisdiction, to which no response is required.

12. This paragraph contains Plaintiffs' legal conclusions regarding venue, to which no response is required.

13. This paragraph contains Plaintiffs' characterization of the Amended Complaint, rather than allegations of fact, and thus no response is required. To the extent a response is deemed required, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

PARTIES

14. The allegations in this paragraph and the accompanying footnotes are admitted.

15. This paragraph contains Plaintiffs' legal conclusions regarding standing, to which no response is required. To the extent a response is deemed required, denied.

16. Admitted that Donald J. Trump is the President of the United States. Admitted that President Trump is sued in his official capacity. Admitted that as the Acting Secretary of Homeland Security, Elaine Duke had the authority to issue the Duke Memorandum. *See* 8 U.S.C. § 1103. To the extent there are any remaining factual allegations in this paragraph, they are denied.

17. Admitted.

18. Admitted.

19. Admitted.

20. Admitted that as of October 4, 2017, Elaine C. Duke was the Acting Secretary of Homeland Security. The remaining factual allegations in this paragraph are admitted with respect to the current Secretary of Homeland Security.

21. Admitted.

GENERAL ALLEGATIONS

22. This paragraph contains Plaintiffs' characterization of a June 15, 2012 memorandum from then-Secretary of Homeland Security Janet Napolitano, *Exercising Prosecutorial Discretion With Respect to Individuals Who Came to the United States as Children* ("DACA Memorandum") (attached to the Amended Complaint as Exhibit 13), which speaks for itself. This paragraph also contains Plaintiffs' characterization of 8 C.F.R. § 274a.12(c)(14), which also speaks for itself.

23. As to the first sentence of this paragraph, admitted that deferred action is a form of prosecutorial discretion under which the federal government forbears from taking removal action against an individual for a period of time. The second sentence of this paragraph contains Plaintiffs' characterization of the DACA Memorandum, which speaks for itself.

24. This paragraph contains Plaintiffs' characterization of the DACA Memorandum, which speaks for itself.

25. This paragraph contains Plaintiffs' quotation of a "Frequently Asked Questions" document posted online by USCIS (attached to the Amended Complaint as Exhibit 14), which speaks for itself.

26. This paragraph contains Plaintiffs' characterization of and quotation from a USCIS document entitled *How Do I Request Consideration of DACA* (attached to the Amended Complaint as Exhibit 16), which speaks for itself.

27. Admitted.

28. The first sentence of this paragraph is admitted. The second and third sentences of this paragraph contain Plaintiffs' characterization of and quotation from a "Frequently Asked Questions" document posted online by USCIS, which speaks for itself.

29. This paragraph contains Plaintiffs' characterization of and quotation from a USCIS document titled *National Standard Operating Procedures (SOP): Deferred Action for Childhood Arrivals* (attached to the Amended Complaint as Appendix I to Exhibit 18), which speaks for itself.

30. Admitted.

31. Denied.

32. Denied.

33. As for the first sentence of this paragraph, denied that "DACA grantees" are automatically "granted eligibility" for work authorization, but admitted that DACA recipients submit applications requesting employment authorization. The second sentence of this paragraph contains Plaintiffs' characterization of and quotation from a USCIS "Frequently Asked Questions" document (attached to the Amended Complaint as Exhibit 14), which speaks for itself.

34. Admitted.

35. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations in this paragraph.

36. This paragraph contains Plaintiffs' characterization of and quotation from a December 30, 2016 letter from the former Secretary of Homeland Security, Jeh Charles Johnson ("Johnson Letter") (attached to the Amended Complaint as Exhibit 15), which speaks for itself.

37. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations in the first sentence of this paragraph. The second sentence of this paragraph contains Plaintiffs' characterization of and quotation from the Johnson Letter, which speaks for itself.

38. Denied.

39. This paragraph relates only to a claim that has been dismissed by the Court. Therefore, no response is required.

40. This paragraph relates only to a claim that has been dismissed by the Court. Therefore, no response is required.

41. This paragraph relates only to a claim that has been dismissed by the Court. Therefore, no response is required.

42. This paragraph relates only to a claim that has been dismissed by the Court. Therefore, no response is required.

43. This paragraph relates only to a claim that has been dismissed by the Court. Therefore, no response is required.

44. This paragraph relates only to a claim that has been dismissed by the Court. Therefore, no response is required.

45. The first sentence of this paragraph is denied. The second sentence of this paragraph contains Plaintiffs' characterization of and quotation from the Johnson Letter, which speaks for itself.

46. This paragraph contains Plaintiffs' characterization of and quotation from remarks attributed to then-President-elect Trump (attached to the Amended Complaint as Exhibit 29), which speak for themselves.

47. This paragraph contains Plaintiffs' characterization of and quotation from remarks attributed to then-President-elect Trump (attached to the Amended Complaint as Exhibit 30), which speak for themselves.

48. This paragraph contains Plaintiffs' characterization of and quotation from remarks attributed to Speaker of the House Paul Ryan (attached to the Amended Complaint as Exhibit 31), which speak for themselves.

49. This paragraph contains Plaintiffs' characterization of and quotation from remarks attributed to President Trump (attached to the Amended Complaint as Exhibit 32), which speak for themselves.

50. The first sentence of this paragraph is admitted. The second sentence of this paragraph contains Plaintiffs' characterization of and quotation from a February 20, 2017 memorandum issued by then-Secretary of Homeland Security John Kelly, *Enforcement of the Immigration Laws to Serve the National Interest* (attached to the Amended Complaint as Exhibit 2), and a DHS "Question and Answer" document (attached to the Amended Complaint as Exhibit 10), both of which speak for themselves.

51. This paragraph contains Plaintiffs' characterization of and quotation from remarks attributed to then-Secretary Kelly (attached to the Amended Complaint as Exhibit 33), which speak for themselves.

52. This paragraph contains Plaintiffs' characterization of and quotation from remarks attributed to President Trump (attached to the Amended Complaint as Exhibit 34), which speak for themselves.

53. This paragraph contains Plaintiffs' characterization of a June 15, 2017 memorandum issued by then-Secretary Kelly, *Rescission of November 20, 2014 Memorandum Providing for Deferred Action for Parents of Americans and Lawful Permanent Residents* (June 15, 2017 Kelly Memorandum) (attached to the Amended Complaint as Exhibit 23), which speaks for itself.

54. This paragraph contains Plaintiffs' characterization of the USCIS DACA Standard Operating Procedures document, which speaks for itself.

55. This paragraph contains Plaintiffs' characterization of and quotation from a DACA approval notice (attached to the Amended Complaint as Exhibit 24), which speaks for itself.

56. Denied.

57. Denied.

58. This paragraph contains Plaintiffs' characterization of and quotation from remarks attributed to then-candidate Trump (attached to the Amended Complaint as Exhibit 35), which speak for themselves.

59. This paragraph contains Plaintiffs' characterization of and quotation from remarks attributed to then-candidate Trump (attached to the Amended Complaint as Exhibit 36), which speak for themselves.

60. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations in the first sentence of this paragraph. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations in the first half of the second sentence of this paragraph. The second half of the second sentence of this paragraph contains Plaintiffs' characterization of and quotation from a news article (attached to the Amended Complaint as Exhibit 37), which speaks for itself.

61. This paragraph contains Plaintiffs' characterization of and quotation from tweets attributed to then-candidate Trump (attached to the Amended Complaint as Exhibits 38 and 39), which speak for themselves.

62. This paragraph contains Plaintiffs' characterization of and quotation from remarks attributed to then-candidate Trump in a news article (attached to the Amended Complaint as Exhibit 40), which speaks for itself.

63. The first sentence of this paragraph contains Plaintiffs' characterization of and quotation from remarks attributed to then-candidate Trump in an interview transcript (attached to the Amended Complaint as Exhibit 41), which speaks for itself. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations in the second sentence of this paragraph.

64. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations in the first sentence of this paragraph. The second and third sentences of this paragraph contain Plaintiffs' characterization of and quotation from a news article (attached to the Amended Complaint as Exhibit 43), which speaks for itself.

65. This paragraph contains Plaintiffs' characterization of and quotation from a news article (attached to the Amended Complaint as Exhibit 44), which speaks for itself.

66. This paragraph contains Plaintiffs' characterization of and quotations from a news article (attached to the Amended Complaint as Exhibit 45), which speaks for itself.

67. Admitted.

68. This paragraph contains Plaintiffs' characterization of and quotations from two orders of the United States District Court for the District of Arizona (*Melendres v. Arpaio*, Findings of Fact & Conclusions of Law, 2:07-cv-02513-GMS, ECF No. 579 (D. Ariz. May 24, 2013); *United States v. Arpaio*, Findings of Fact & Conclusions of Law, 2:16-cr-01012-SRB, ECF No. 210 (D. Ariz. July 31, 2017)) which speak for themselves. To the extent there are any remaining

factual allegations in this paragraph, Defendants lack knowledge or information sufficient to form a belief about those allegations.

69. The first sentence of this paragraph contains Plaintiffs' characterization of and quotation from a news article (attached to the Amended Complaint as Exhibit 46), which speaks for itself. The second sentence of this paragraph is admitted.

70. Denied.

71. This paragraph contains Plaintiffs' characterization of and quotation from the transcript of congressional hearing, *Hearing on the ICE and CBP F.Y. 2018 Budget Before the Subcomm. on Homeland Security of the H. Comm. on Appropriations*, 115th Cong. (2017), 2017 WLNR 18737622, which speaks for itself.

72. This paragraph contains Plaintiffs' characterization of and quotation from a news article (attached to the Amended Complaint as Exhibit 49), which speaks for itself.

73. This paragraph contains Plaintiffs' characterization of and quotation from a June 29, 2017 letter from Texas Attorney General Ken Paxton (attached to the Amended Complaint as Exhibit 177), which speaks for itself.

74. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

75. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

76. This paragraph contains Plaintiffs' characterization of and quotation from an order of the United States District Court for the District of Columbia, *Texas v. United States*, 887 F. Supp. 2d 133, 161 (D.D.C. 2012), which speaks for itself.

77. This paragraph contains Plaintiffs' characterization of and quotation from an order of the United States District Court for the Western District of Texas, *Perez v. Abbott*, SA-11-CV 360, 2017 U.S. Dist. LEXIS 129982 (W.D. Tex. Aug. 15, 2017), which speaks for itself.

78. This paragraph contains Plaintiffs' characterization of and quotation from an order of the United States District Court for the Southern District of Texas, *Veasey v. Perry*, 71 F. Supp. 3d 627 (S.D. Tex. 2014), which speaks for itself.

79. This paragraph contains Plaintiffs' characterization of an order of the United States District Court for the Southern District of Texas, *Veasey v. Abbott*, 2017 U.S. Dist. LEXIS 54253 (S.D. Tex. Apr. 10, 2017), which speaks for itself.

80. Admitted that DHS issued the Duke Memorandum on September 5, 2017, in response to the litigation threat from Texas and a group of other states. The Duke Memorandum speaks for itself. The remaining factual allegations in this paragraph are denied.

81. The first sentence of this paragraph is admitted. The remaining allegations of this paragraph contain Plaintiffs' characterization of and quotation from remarks attributed to Attorney General Sessions (attached to the Amended Complaint as Exhibit 75), which speak for themselves.

82. This paragraph contains Plaintiffs' characterization of and quotation from the Duke Memorandum, which speaks for itself.

83. The first sentence of this paragraph is denied. The second sentences of this paragraph contains Plaintiffs' characterization of and quotation from the June 15, 2017 Kelly Memorandum, which speaks for itself.

84. The first sentence of this paragraph is denied. Admitted that a September 5, 2017 "retweet" from the @realDonaldTrump twitter account appears to have been subsequently deleted. The remaining factual allegations of this paragraph contain Plaintiffs' characterization of and

quotation from remarks attributed to President Trump and others (attached to the Amended Complaint as Exhibits 47, 48, and 50), which speak for themselves.

85. Denied.

86. The first sentence of this paragraph is denied. The second sentence of this paragraph contains Plaintiffs' characterization of and quotation from a news article (attached to the Amended Complaint as Exhibit 88), which speaks for itself. The third sentence of this paragraph contains Plaintiffs' characterization of and quotation from another news article (attached to the Amended Complaint as Exhibit 49), which also speaks for itself.

87. This paragraph relates only to a claim that has been dismissed by the Court. Therefore, no response is required.

88. This paragraph relates only to a claim that has been dismissed by the Court. Therefore, no response is required.

89. This paragraph relates only to a claim that has been dismissed by the Court. Therefore, no response is required.

90. This paragraph relates only to a claim that has been dismissed by the Court. Therefore, no response is required.

91. This paragraph relates only to a claim that has been dismissed by the Court. Therefore, no response is required.

92. This paragraph relates only to a claim that has been dismissed by the Court. Therefore, no response is required.

93. This paragraph relates only to a claim that has been dismissed by the Court. Therefore, no response is required.

94. This paragraph relates only to a claim that has been dismissed by the Court. Therefore, no response is required.

95. This paragraph relates only to a claim that has been dismissed by the Court. Therefore, no response is required.

96. This paragraph relates only to a claim that has been dismissed by the Court. Therefore, no response is required.

97. This paragraph relates only to a claim that has been dismissed by the Court. Therefore, no response is required.

98. This paragraph relates only to a claim that has been dismissed by the Court. Therefore, no response is required.

99. This paragraph relates only to a claim that has been dismissed by the Court. Therefore, no response is required.

HARM TO PLAINTIFF STATES

100. This paragraph contains legal conclusions to which no response is required. To the extent a response is deemed required, denied.

101. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

102. Admitted.

103. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

104. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

105. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

106. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

107. Admitted.

108. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

109. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

110. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

111. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

112. Admitted.

113. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

114. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

115. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

116. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

117. Admitted.

118. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

119. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

120. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

121. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

122. Admitted.

123. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

124. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

125. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

126. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

127. Admitted.

128. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

129. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

130. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

131. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

132. Admitted.

133. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

134. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

135. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

136. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

137. Admitted.

138. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

139. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

140. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

141. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

142. Admitted.

143. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

144. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

145. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

146. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

147. Admitted.

148. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

149. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

150. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

151. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

152. Admitted.

153. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

154. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

155. Admitted.

156. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

157. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

158. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

159. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

160. Admitted.

161. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

162. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

163. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

164. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

165. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

166. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

167. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

168. Admitted.

169. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

170. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

171. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

172. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

173. Admitted.

174. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

175. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

176. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

177. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

178. Admitted.

179. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

180. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

181. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

182. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

183. Admitted.

184. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

185. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

186. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

187. This paragraph contains Plaintiffs' characterizations of a variety of state and local laws, all of which speak for themselves. This paragraph also contains legal conclusions to which no response is required. Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining factual allegations contained in this paragraph.

188. This paragraph contains legal conclusions to which no response is required.

189. This paragraph contains legal conclusions to which no response is required.

190. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

191. This paragraph contains legal conclusions to which no response is required.

192. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

193. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

194. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

195. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

196. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

197. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

198. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

199. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

200. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

201. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

202. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

203. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

204. Denied.

205. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

206. This paragraph contains legal conclusions to which no response is required.

207. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

208. This paragraph contains legal conclusions to which no response is required.

209. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

210. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

211. This paragraph contains legal conclusions to which no response is required.

212. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

213. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

214. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

215. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

216. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

217. This paragraph contains legal conclusions to which no response is required.

218. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

219. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

220. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

221. The first sentence of this paragraph contains a legal conclusion to which no response is required, and Plaintiffs' characterization of a decision of the United States Supreme Court, *Plyler v. Doe*, 457 U.S. 202 (1982), which speaks for itself. Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining factual allegations contained in this paragraph.

222. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

223. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

224. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

225. This paragraph contains legal conclusions to which no response is required.

226. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

227. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

228. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

229. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

230. This paragraph contains legal conclusions to which no response is required.

231. Defendants lack knowledge or information sufficient to form a belief about the truth of the factual allegations contained in this paragraph.

232. Defendants lack knowledge or information sufficient to form a belief about the truth of the remaining factual allegations contained in this paragraph.

233. Defendants repeat and incorporate by reference each and every answer contained in the preceding paragraphs as if fully set forth herein.

234. This paragraph contains legal conclusions to which no response is required.

235. This paragraph contains legal conclusions to which no response is required. To the extent a response is deemed required, denied.

236. This paragraph contains legal conclusions to which no response is required. To the extent a response is deemed required, denied.

237. This paragraph contains legal conclusions to which no response is required. To the extent a response is deemed required, denied.

238. This paragraph contains legal conclusions to which no response is required. To the extent a response is deemed required, denied.

239. This paragraph contains legal conclusions to which no response is required. To the extent a response is deemed required, denied.

240. Defendants repeat and incorporate by reference each and every answer contained in the preceding paragraphs as if fully set forth herein.

241. This paragraph relates only to a claim that has been dismissed by the Court. Therefore, no response is required.

242. This paragraph relates only to a claim that has been dismissed by the Court. Therefore, no response is required.

243. This paragraph relates only to a claim that has been dismissed by the Court. Therefore, no response is required.

244. This paragraph relates only to a claim that has been dismissed by the Court. Therefore, no response is required.

245. This paragraph relates only to a claim that has been dismissed by the Court. Therefore, no response is required.

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249. This paragraph relates only to a claim that has been dismissed by the Court. Therefore, no response is required.

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251. This paragraph relates only to a claim that has been dismissed by the Court. Therefore, no response is required.

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253. Defendants repeat and incorporate by reference each and every answer contained in the preceding paragraphs as if fully set forth herein.

254. This paragraph contains legal conclusions to which no response is required.

255. This paragraph contains legal conclusions to which no response is required. To the extent a response is deemed required, denied.

256. This paragraph contains legal conclusions to which no response is required. To the extent a response is deemed required, denied.

257. Defendants repeat and incorporate by reference each and every answer contained in the preceding paragraphs as if fully set forth herein.

258. This paragraph relates only to a claim that has been dismissed by the Court. Therefore, no response is required.

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261. This paragraph relates only to a claim that has been dismissed by the Court. Therefore, no response is required.

262. This paragraph relates only to a claim that has been dismissed by the Court. Therefore, no response is required.

263. This paragraph relates only to a claim that has been dismissed by the Court. Therefore, no response is required.

264. This paragraph relates only to a claim that has been dismissed by the Court. Therefore, no response is required.

265. This paragraph relates only to a claim that has been dismissed by the Court. Therefore, no response is required.

266. Defendants repeat and incorporate by reference each and every answer contained in the preceding paragraphs as if fully set forth herein.

267. This paragraph relates only to a claim that has been dismissed by the Court. Therefore, no response is required.

268. This paragraph relates only to a claim that has been dismissed by the Court. Therefore, no response is required.

269. This paragraph relates only to a claim that has been dismissed by the Court. Therefore, no response is required.

270. This paragraph relates only to a claim that has been dismissed by the Court. Therefore, no response is required.

271. This paragraph relates only to a claim that has been dismissed by the Court. Therefore, no response is required.

272. This paragraph relates only to a claim that has been dismissed by the Court. Therefore, no response is required.

273. This paragraph relates only to a claim that has been dismissed by the Court. Therefore, no response is required.

274. Defendants repeat and incorporate by reference each and every answer contained in the preceding paragraphs as if fully set forth herein.

275. This paragraph relates only to a claim that has been dismissed by the Court. Therefore, no response is required.

276. This paragraph relates only to a claim that has been dismissed by the Court. Therefore, no response is required.

277. This paragraph relates only to a claim that has been dismissed by the Court. Therefore, no response is required.

278. This paragraph relates only to a claim that has been dismissed by the Court. Therefore, no response is required.

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PRAYER FOR RELIEF

281. This paragraph contains a prayer for relief, to which no response is required. To the extent a response is required, Defendants deny that Plaintiffs are entitled to any relief.

* * *

Defendants deny any and all allegations not expressly admitted herein to which a response is deemed required. Defendants deny any and all allegations characterizing or quoting documents or remarks to the extent the characterization or quotation is inconsistent with the referenced documents or remarks, to the extent any such responses are deemed required.

AFFIRMATIVE DEFENSES

FIRST DEFENSE

The Court lacks subject-matter jurisdiction over this action.

SECOND DEFENSE

The Amended Complaint fails to state a claim upon which relief can be granted.

THIRD DEFENSE

Plaintiffs lack standing to assert some or all of the claims in the First Amended Complaint.

FOURTH DEFENSE

The challenged actions of Defendants are committed to agency discretion by law.

FIFTH DEFENSE

Some or all of Plaintiffs' claims are moot.

* * *

Having fully answered the Amended Complaint, Defendants respectfully request that the Court enter judgment dismissing this action with prejudice and awarding Defendants costs and such other relief as the Court may deem appropriate.

Dated: May 29, 2018

Respectfully submitted,

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